

## **POST COMMISSION MEETING**

**Burbank Marriott Hotel and Convention Center  
2500 Hollywood Way  
Burbank, CA 91505  
(818) 840-6476**

**Thursday, October 23, 2008**

### **AGENDA**

#### **CALL TO ORDER - 10:00 A.M.**

Chair Deborah Linden will call the meeting to order.

#### **COLOR GUARD AND FLAG SALUTE**

The Color Guard will be provided by the Los Angeles County Sheriff's Department.

#### **MOMENT OF SILENCE HONORING THE OFFICERS WHO LOST THEIR LIVES IN THE LINE OF DUTY SINCE THE LAST MEETING**

- Sergeant Paul Starzyck, Martinez Police Department
- Officer Spree DeSha, Los Angeles Police Department
- Officer Brad Moody, Richmond Police Department

#### **ROLL CALL OF COMMISSION MEMBERS**

#### **AUDIENCE INTRODUCTIONS**

Members of the audience will introduce themselves.

#### **WELCOMING ADDRESS**

Chief Tim Stehr of the Burbank Police Department will give the welcoming address.

#### **PUBLIC COMMENT**

Chair Deborah Linden will ask if anyone would like to make comments on any items on the agenda.

## **APPROVAL OF MINUTES**

- A. Approval of the minutes of the Thursday, July 24, 2008, Commission meeting held at the Embassy Suites, 150 Anza Boulevard, Burlingame, CA 94010.

## **CONSENT**

### **B.1 Course Certification/Decertification Report**

In approving the Consent Calendar, the Commission receives the report.

### **B.2 Quarterly Progress Report on POST Strategic Plan Implementation**

This is the status report of the 2008 POST Strategic Plan approved by the Commission at its April 2008 meeting. The report is provided to the Commission following review by the Long Range Planning Committee and the Advisory Committee. The report describes the progress made in researching and implementing the POST Strategic Plan since the last quarterly meeting.

Of the 38 objectives, staff is reporting that:

- 27 – Are in progress (being researched and/or implemented)
- 2 – Recommended for Deletion
- 9 – Not addressed at this time
- 38 – Total

Two objectives (A.7.06 and B.1.02) are recommended for deletion (refer to the corresponding agenda items).

In approving the Consent Calendar, the Commission accepts the quarterly status report of the Strategic Plan and approves deletion of Strategic Plan Objective A.7.06 and Strategic Plan Objective B.1.02 as completed.

### **B.3 Report on Strategic Plan Objective A.7.06 Regarding Development of a Pre-Assessment Package for Prospective Peace Officer Candidates**

This is a report on the status of Strategic Plan Objective A.7.06 (formerly A.12) regarding the development of an online “candidate pre-assessment package.”

Staff has developed information for its website to assist peace officer candidates in preparing for a career in law enforcement. This process included an update of the Peace Officer Selection Standards page, the “How Do I Become a Peace Officer” FAQ page and the development of new FAQ pages for the Entry-Level Law Enforcement Test Battery and for general physical ability testing. Staff has also developed a specific Web page for candidates that outlines the different steps in the

selection process and provides additional information on how candidates can prepare themselves for entrance into the academy and a career in law enforcement. All of the web pages are currently available on the POST website.

This item is completed and recommended for deletion from the Strategic Plan.

B.4 Report on Strategic Plan Objective A.9.08 Regarding Establishing Basic Academy Report Writing Resources

This is an informational report on the status of Strategic Plan Objective A.9.08 regarding establishing basic academy report writing resources. This objective was added by Commission action in January 2008. Since then three primary activities have taken place: 1) several report-writing-related documents have been reviewed and analyzed to determine the learning objectives and essential components to be targeted by pre-academy assessment and curriculum tools; 2) report writing Subject Matter Experts (SMEs) from several academies have been contacted to provide input on the essential components of pre-academy report-writing assessment; and 3) site visits have been made to 12 representative academies to interview and observe report writing instructors regarding their methods and techniques. It is anticipated that the project will be completed in January 2009.

This item is presented for information only, and no action is required.

**ADMINISTRATIVE SERVICES BUREAU**

C. Request for Contract Augmentation for Auditing Services

In August 1997, the Commission voted to accept a Violence Against Women Act (VAWA) law enforcement grant to present training to law enforcement personnel on domestic violence and sexual assault. The Commission has continued to accept this grant each successive year. On June 23, 2008, POST was notified by the Governor's Office of Emergency Services (OES) that an audit is required of funds expended under the grant for the fiscal years ending June 30, 2006, and June 30, 2007.

At the January 2008 Commission meeting, the Commission approved the renewal of an interagency agreement with the State Controller's Office (SCO) in an amount not to exceed \$356,122 to conduct 30 local agency audits for Fiscal Year 2008/09. The Controller's Office continues to do an excellent job in auditing selected jurisdictions to ensure that reimbursement funds are appropriately expended. POST proposes to augment the current contract with the SCO by \$39,018 in order to conduct the VAWA grant audits required by the OES.

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to augment the interagency agreement with the State Controller's Office for \$356,122 by \$39,018 in order to audit VAWA grant

expenditures for the fiscal years ending June 30, 2006, and June 30, 2007. The total revised interagency agreement will in an amount not to exceed \$395,140.  
**(ROLL CALL VOTE)**

## **EXECUTIVE OFFICE**

### **D. Report on the Process for the Performance Appraisal of the Executive Director**

During the July 2008 meeting, the Commission discussed the need for an annual performance appraisal for the Executive Director. The Commission directed the issue to be placed on the agenda for the October 2008 meeting to provide for a discussion and decision.

The Commission's policy concerning the performance evaluation for the Executive Director, adopted in 1997, creates an executive committee consisting of the Chair, Vice-Chair, Past Chair, and one Commissioner "at-large" to oversee the evaluation. The policy requires an annual evaluation and a closed session with the Executive Director prior to each quarterly meeting. Commission Regulation 1017 requires the Commission to review the performance of the Executive Director at the "first meeting held after the beginning of each fiscal year..." During the period from 1997 through 2007 the former executive director did not received a performance evaluation.

At the September 12, 2008, meeting, the Long Range Planning Committee discussed the Commission's policy and practice concerning the performance appraisal and agreed that an appraisal should be conducted in the near future for Executive Director Cappitelli. Following the discussion, the consensus of the Committee was to recommend to the Commission the actions described in the paragraph below.

If the Commission concurs, the appropriate action would be a **MOTION** to:

- a) form an Executive Appraisal Committee consisting of the Commission Chair, Vice Chair, immediate past Chair, and one Commissioner appointed by the Chair,
- b) hire a consultant to work with the Executive Appraisal Committee to develop the appraisal process for the Executive Director, c) conduct the appraisal on a calendar-year basis with a minimum of six months from the date of hire and between appraisals, d) present the evaluation at the January or April 2009 Commission meeting, and e) revise the Commission's regulation and policy to conform to the new process and time line.

### **E. Report on Commission Notification Policy Regarding Significant Matters**

At the July 2008 meeting, the Commission requested information related to the policy and practice by which the Commission or the Chair of the Commission is notified about matters of significant importance or interest.

The Commission's policies, collected in the policy manual, and POST internal directives, approved by the Executive Director, are silent on the matter of when,

why, or how the Commissioners are to be notified of matters of significant importance or interest. Similarly, the statutes that describe the powers of the Commission (Section 13503, Penal Code, and others) are silent with regard to the management of staff or direct involvement in day-to-day operational issues. As a matter of long standing policy and practice, the Commission has delegated to staff the responsibility for day-to-day business and operational matters. For that reason, notification generally has not included operational or administrative issues within the organization or “routine” issues between staff and a client agency or agency staff.

The Commission is the body to consider appeals from staff decisions and practices. Because the Commission is not involved in operational or administrative matters, it avoids the potential for a conflict of interest that would arise when it considered an appeal from an operational decision in which it participated. To the extent the Commission makes day-to-day administrative or operational decisions, the impartiality to consider appeals from, or modifications of, those decisions is compromised and, in certain situations, may render some acts or decisions null and void in the face of state administrative, personnel, or procurement requirements. Because a seat on the Commission represents a broad spectrum of law enforcement interests rather than a specific agency or program, the impartiality of individual Commissioners and the Commission is protected when Commissioners are not involved directly in operational decisions.

Another consideration is that all Commissioners should get the information at the same time. Typically, the Executive Director notifies the Chair (and the full Commission) based on the nature and severity of the issue or action, an understanding between the Executive Director and the Chair, and the “politics” of the matter. Generally, staff acknowledges a distinction between a “routine” briefing to the Chair and notification to the full Commission when an issue gains “critical mass.” Overall, the balance concerning notification continually evolves as the Chair changes and the relationship between the Executive Director, the Chair, and the individual Commissioners develops. Generally, as a matter of practice for more than ten years, notification has involved situations wherein the significant non-compliance, punitive sanctions, or impending public debate is imminent. The current process is that when an issue meets these criteria, the Executive Director notifies the Chair to discuss the situation and decide if and when to notify the full Commission.

This issue was considered by the Long Range Planning Committee at the September 12, 2008, meeting. As described in the minutes of that meeting, the consensus of the Committee was to approve the current process with no modifications. The Committee recommends the Commission approve this policy.

If the Commission concurs, the appropriate action would be a **MOTION** to adopt the current policy with no modifications.

F. Report on the California Law Enforcement Image Coalition

During the 1990s, several highly publicized police incidents caused a significant negative public reaction to California peace officers. In November 1996, the Commission directed that the California Law Enforcement Image Coalition (CLEIC) be created for “the purpose of establishing and maintaining a public awareness media program that will objectively portray California law enforcement.” POST was to provide administrative, clerical, and basic fiscal support to the CLEIC effort. This support included preparing and sending quarterly meeting announcements, taking the meeting minutes, maintaining a roster of members, providing for the expenses related to travel to attend the meetings and work on projects in furtherance of its objectives, and funding the development of two telecourses relative to improving the image of California law enforcement.

POST staff committed significant efforts and resources to support the CLEIC from 1996 through 2007. These efforts consisted of obtaining and funding meeting space, notifying members of meetings, collating meeting notes and project progress, quarterly reports to the Commission, per diem reimbursement to attendees via Letter of Agreement, and the creation of two telecourses. Expenditures for this effort over a ten-year period of time are estimated to be approximately \$342,000 for meetings and reimbursement and \$160,000 for telecourse production for a total of \$502,000.

In 1996/97, approximately 43 law enforcement agencies or associations were listed on the membership roster and meeting attendance was high. Beginning in 2000, attendance at meeting began to wane and, in 2007, had fallen to an average of five persons per meeting.

In July 2008, POST staff distributed a survey to the 23 individuals who remained on the membership roster. Two responses were received. Both responses lauded the CLEIC concept but expressed concerns regarding the lack of consistency in the membership, the daunting challenge of the CLEIC task, and the inability to identify a stable funding stream.

This issue was considered by the Long Range Planning Committee at the September 12, 2008, meeting. As described in the minutes of the meeting, the Committee unanimously accepted the staff recommendation to suspend further support for the California Law Enforcement Image Coalition and directed staff to incorporate the message of positive law enforcement accomplishments into other POST programs, as appropriate.

If the Commission concurs, the appropriate action would be a **MOTION** to suspend further support for the California Law Enforcement Image Coalition and direct staff to incorporate the message of positive law enforcement accomplishments into other POST programs, as appropriate.

G. Acceptance of Federal Homeland Security Grant Funds and Contract to Provide Training to State Agency Law Enforcement Personnel

At its January 2008 meeting, the Commission approved the acceptance of federal homeland security grant funds to provide specified training to state agency law enforcement personnel. The original contract was in the amount of \$95,581. These funds have been expended.

The Office of Homeland Security (OHS) has requested the delivery of additional training courses. The OHS is in the process of amending the original POST contract to provide funds for this additional training. The OHS will provide \$21,120 in the amended contract to fund the presentations and provide POST administrative funds.

Willdan Homeland Solutions (formerly American Homeland Solutions) is the developer and POST-certified presenter of the courses that the OHS is scheduling for presentation. POST would contract with Willdan to provide the three courses.

If the Commission concurs, the appropriate action would be a **MOTION** to accept the federal homeland security funds and authorize the Executive Director to: 1) sign the amended contract to receive the funds from the OHS, and 2) enter into a contract with Willdan Homeland Solutions to provide the requested training courses in an amount not to exceed \$19,925.

**(ROLL CALL VOTE)**

**TRAINING PROGRAM SERVICES BUREAU**

H. Report on the Study of Driver Training

This is the initial report (Volume I) of the Driver Training Study. The purpose of the study is to identify the most effective methods of driver training in order to determine the manner in which the Commission should expend its resources to reduce officer deaths and injuries from collisions. Key research items have been completed or are nearing completion.

The correlation of POST training records with DMV collision data is well underway. Several research findings have already been produced from a successful correlation of these two sources of information. A most significant finding is that Law Enforcement Driving Simulator (LEDS) equipment consistently shows positive effects (i.e., reduction in collision incidence); whereas, Emergency Vehicle Operations Course (EVOC) training does not exhibit the same degree of consistency with regard to collision reduction. However, a combination of these two training methodologies does appear to be more beneficial in terms of collision reduction than either EVOC or LEDS independently.

The "California Law Enforcement Vehicle Operations Training Inventory" is complete. Nearly all presenters of driver training have responded. This information

highlights notable differences in presentations of driver training across California. The layout and standards for EVOC training vary widely among presenters. While speed is a primary cause of collisions and injuries, a large percentage of basic academy driving programs allocate only a few minutes at their maximum training speed. Additionally, a significant percentage of presenters do not use interference vehicles in basic training or training during hours of darkness.

Preliminary study findings underscore: 1) the importance of continuing the driver training study to determine the best practices of various types of training (e.g., curricula, hours, and frequency), and 2) the need to revitalize POST's LEDS program. The Vehicle Operations Training Advisory Council reviewed Volume I of the findings in the study and worked with staff to develop conclusions and recommendations at its September 2008 meeting.

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to: 1) immediately reactivate efforts to repair and/or purchase LEDS equipment, 2) continue to require the biennial standard for the driver training component of the perishable skills program (PSP), 3) implement the recommendations outlined in Volume I of the Driver Training Study, and 4) initiate action in furtherance of the next steps for future research identified in Volume I of the Driver Training Study.

I. Report on Strategic Plan Objective B.1 Regarding Establishing Instructor Training and Certification Requirements

Strategic Plan Objective B.1 (originally "B.2") was conceived in 2002 and directed staff to "establish instructor training and certification requirements." During the past several years, requirements have been developed and implemented for specialized and academy instructors, with the latter being a voluntary program until this year. The requirements for each were examined by POST's Instructor Standards Advisory Council (ISAC) which represents a wide spectrum of POST stakeholders.

The most significant incremental stride was the January 2006 Commission action mandating the Academy Instructor Certificate Program (AICP). The AICP requires the Academy Instructor Certification Course (AICC), or equivalency, for Regular Basic Course instructors. The program was implemented as a mandate on March 1, 2008. Many academies and individual instructors participated in the program voluntarily prior to this implementation, and staff estimates that over 3,000 instructors are currently AICP-certified. Incumbent instructors (teaching for an academy prior to March 1, 2008) have three years to complete the AICC or equivalency process, and with the significant number already certified, staff expects a high degree of compliance when the March 2011 "total implementation" date arrives. The Instructor Development Institute (IDI) (and its new website [www.POSTIDI.com](http://www.POSTIDI.com)) and the Instructor Symposium provide a substantial framework and resource to perpetually support AICP certification, recertification, and compliance.



For several years discussions among POST staff, stakeholders, and the ISAC have touched on the possibility of an overarching/general instructor requirement for “anyone” who teaches a POST-certified course. Input from all parties has revealed that this concept is not feasible in the foreseeable future. Therefore, with the AICP, IDI, and specialized instructor requirements in place, staff recommends completion of Strategic Plan Objective B.1.

If the Commission concurs, the appropriate action would be a **MOTION** to delete Strategic Plan Objective B.1 on the basis of its being completed.

J. Amendment of Museum of Tolerance Contract to Enable Continuance of Attendance by State Agency Personnel

At its July 2007 meeting, the Commission approved modification of the FY 2007/2008 Simon Wiesenthal Museum of Tolerance (MOT) contract to enable peace officers of state agencies to attend MOT training courses on a space-available basis. However, when the FY 2008/2009 contract with MOT was prepared and submitted for approval to the Commission in January 2008, inclusion of this provision was overlooked by staff.

The concept of allowing state law enforcement personnel to attend and be reimbursed for MOT courses emanated from joint recognition by the MOT and POST that MOT courses were not being filled to their capacities. There continues to be room to accommodate state agency personnel.

There is no financial burden imposed upon POST in allowing state agencies to continue to attend MOT training. The funding for reimbursements will continue to be provided for in the annually recurring MOT budget allocation. Similarly, all costs for course presentations continue to be funded from the annual budget for contractual services in support of MOT training. Thus, this agenda item is the means for reestablishing the contractual provision that had been inadvertently omitted when the FY 2008/2009 MOT contract was presented to the Commission for approval.

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to amend the contract with the MOT to: 1) enable state agency peace officers to attend MOT training courses, and 2) initiate contracts with appropriate state agencies to reimburse subsistence and travel by POST for state peace officer attendance at MOT training.

## **COMMITTEE REPORTS**

### **K. Long Range Planning Committee**

Chair Deborah Linden will report on issues discussed at the Long Range Planning Committee meeting held on September 12, 2008, at the Doubletree San Diego/Del Mar Hotel.

### **L. Finance Committee**

Henry Perea, Chair of the Finance Committee, will report on the results of the Committee meeting held on Wednesday, October 22, 2008, in Burbank.

### **M. Advisory Committee**

Mario Casas, Chair of the POST Advisory Committee, will report on the results of the Advisory Committee meeting held on Wednesday, October 22, 2008, in Burbank.

### **N. Legislative Review Committee**

Bureau Chief Bob Stresak, in the absence of Commissioner Bui, Chair of the Legislative Review Committee, will report on the results of the Legislative Review Committee meeting held on Thursday, October 23, 2008, in Burbank.

### **O. Correspondence**

Letters From Executive Director Cappitelli to:

- Chief Tom Simonetti of the Martinez Police Department, expressing sympathy over the on-duty death of Sergeant Paul Starzyck.
- Chief William J. Bratton of the Los Angeles Police Department, expressing sympathy over the on-duty death of Officer Spree DeSha.
- Director George Anderson of the Division of Law Enforcement, Office of the Attorney General, thanking him for staff's assistance in providing background investigations for POST.
- Jacky Parks, President of the Fresno Police Officers' Association, regarding the issue of restoration or reinstatement of peace officers who have been terminated.

- Chief Christopher Jens Magnus of the Richmond Police Department, expressing sympathy over the on-duty death of Officer Brad Moody.

Letters to Chair Deborah Linden from:

- R.C. Prieto, Assistant Commissioner, of the California Highway Patrol, requesting that Captain Brent Newman be reappointed to the POST Advisory Committee.
- Jacky Parks, President of the Fresno Police Officers' Association, discussing the issue of restoration or reinstatement of peace officers who have been terminated relative to the ensuing stakeholder meetings.

P. Old/New Business

- 50th Anniversary Open House/Reception

The Executive Director will give an oral update of events planned relative to the 50th Anniversary Open House/Reception around the July 2009 Commission meeting.

- Reappointment of Brent Newman to the POST Advisory Committee, representing the California Highway Patrol.

**NEXT LONG RANGE PLANNING COMMITTEE MEETING**

The next Long Range Planning Committee meeting will be held on Thursday, December 11, 2008, at POST, 1601 Alhambra Boulevard, Sacramento, CA 95816.

**FUTURE COMMISSION DATES**

January 22, 2009 - Courtyard Marriott, Sacramento  
 April 23, 2009 - Courtyard Marriott, Sacramento  
 July 23, 2009 - Courtyard Marriott, Sacramento  
 October 22, 2009 - Courtyard Marriott, Sacramento

**ADJOURNMENT -**